

Affidavit of James Dickey

“My name is James Dickey, my date of birth is November 23, 1966 and my office address is 1108 Lavaca Street, Suite 500, Austin TX 78701, U.S. I declare under penalty of perjury that the following statements are true and correct.

1. I serve as the Chairman of the Republican Party of Texas (“RPT”) and am personally familiar with the contracts between the RPT and the Houston First Corporation (“HFC”).
2. In preparation for its semi-annual convention, RPT first contracted with Houston First Corporation (“HFC”) on or about July 20, 2017 to secure the use of the George R. Brown Convention Center (the “Facility”) for original dates of May 11, 2020 to May 17, 2020. This original lease contract (“Contract”) for use of the George R. Brown Convention Center made effective December 8, 2017. The Parties discussed that the lease was for use of the RPT for its state convention. An unsigned copy of the Contract is attached as Exhibit 1-1.
3. The Parties amended the Contract effectively on January 31, 2019 (“First Amendment”).
4. Because of the COVID pandemic, and the various emergency declarations, the parties entered into an amended agreement on March 30, 2020, to secure the Facility for July 13 to July 18, 2020 (“Second Amendment”). A copy of the Second Amendment is attached as Exhibit 1-2.
5. In the Second Amendment formed on March 30, I was concerned that an executive order might result in a forced cancellation of the convention, so we added a clause to ensure that we could cancel the Contract between the parties if an executive order by Governor Abbott or any other authority made the Convention untenable at the GRB Convention Center. It was not designed to allow a party to cancel the Contract based only on a pandemic, but only to allow cancellation if the pandemic made fulfilling the Contract by preventing use and occupancy of the Facility and an executive order prevented use of the Facility.
6. Throughout this negotiation process, HFC agents assured me and other RPT agents that HFC would in no way interfere with RPT’s Convention nor impose any restrictions on its use.
7. Since the Contracts were formed and amended, RPT agents have been in constant contact with the Facility and worked cooperatively with the Facility to implement common-sense safety measures to facilitate a safe and productive convention experience for its delegates and guests.
8. Around June 23, 2020, HFC posted its health safety plan which encouraged several enhanced measures to mitigate the spread of SARS-CoV-2, which I have attached as Exhibit 1-3. Importantly, the health safety plan HFC adopted did not initially require visitors of the Facility to wear face coverings. We discussed Gov. Abbott’s mask order that came up later and
9. To protect everyone involved, the parties developed a plan to manage the flow throughout the Facility, reducing risk for exposure by limiting facility entrances, executing check-in

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procedures, developing floor plans that promote social distancing and controlling staffing and supply levels to contain the potential spread of the virus. Further, the Facility increased the frequency of cleaning of all high touch surfaces using EPA approved products and protocols proven effective against airborne and bloodborne pathogens.

10. To further promote social distancing, the Facility increased spacing between seats and tables in restaurants, concession areas and other common areas and placed distancing indicators near elevators, retail locations and other queuing areas. Additionally, elevators would have a strict two-person limit.
11. The Facility placed signs throughout the Facility to inform and direct guests in preventing the spread of the virus. There are signs displaying health and safety protocols prominently displayed in high traffic areas and information regarding recommended hygiene techniques is located outside of restrooms. Moreover, Facility team members and service partners completed mandatory training based on CDC, local health department, and industry recommendations before returning to work.
12. Each of these enhanced measures are currently implemented and will continue throughout RPT's Convention. Additionally, the RPT has discussed the GA-29 mask order and is expected to follow its guidelines, just as it follows ordinary state laws.
13. Mayor Turner has of late opted to use incendiary language in news releases and public statements in an effort to create a public hysteria regarding the RPT's convention. For example, he stated during a July 3rd press release on July 3, 2020 the following:

"In view of the pandemic's surge across the state and the strong statement from the Texas Medical Association to withdraw its support from an in-person convention at the George R. Brown Convention Center, the City was hopeful that the State Republican Executive Committee would elect to transition to a virtual platform.

"Now that the Executive Committee has made the decision to move forward, the City will decide what steps must be taken to protect the health and safety of employees, visitors, and the general public.

"At the very minimum, masks will be a requirement for attendance and service. However, it is also my hope that over the next several days, the party's leadership will reconsider in view of the rising number of positive COVID-19 cases, increased hospitalizations, and shortage of ICU beds."

I have attached a true copy of the press release as Exhibit 1-4.

14. Turner and Houston are treating RPT differently than other groups. I have attached a letter sent by Turner's office to the RPT with new terms of operation not discussed in the convention contract as Exhibit 1-5. I have also attached a "redline" revision of some changes to the plans for operation of the convention showing how "recommendations" turned into "requirements" as Exhibit 1-6.

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15. Mayor Turner showed no significant virus spread concern during other recent political assemblies and never once threatening any unconstitutional draconian regulations as he has with the RPT. Houston hosted significant political protests without Turner's condemnation or significant new edicts for public discourse of which I am aware. I am aware that none of these gatherings resulted in any demonstrated grave concern by Mayor Turner, even when they showed no dedication to social distancing, and intermittent use of masks at best.
16. Turner's pattern of threatening rhetoric turned to action on July 8, 2020, when he admitted to instructing his legal team to find a way out of the Contract. During a meeting of the Houston City Council, a public event which any person can view at <https://houstontx.swagit.com/play/07072020-1540>, Mayor Turner stated, starting at about 3:57 minutes into the "Mayor's Report II" section of the meeting, the following:

"With all that being said, I have asked Houston First and city legal working with Houston First to review the contract between Houston First and the State Republican Executive Committee. I have seen it, looked at it, and read it. And to take a look at it and where there are provisions that would allow this convention, allow us to cancel this convention. We will exercise those provisions. and the plan is to exercise those provisions, to cancel this agreement, this contract today. To not go forward with this convention. The other point that I want to make in response to a question posed by council member Kubosh is that there are no other conferences and conventions that are being held in the City of Houston between now and the end of the year. . . [discussion of commercial conferences cancelled, none of which are statutorily mandated or comprising political speech]. . . We will exercise the provisions of the contract to cancel this convention."

I have copied these words from the transcription of the video which is provided on the video real time. This is what the transcript stated, which did not deviate in any material way from what Mayor Turner said. (The set-off blocked portion is my summary of the omitted information, which was not relevant.)

17. Later on July 8, Mayor Turner held a press conference which is on the City of Houston's website at <http://houstontx.gov/mayor/press/2020/tx-gop-convention-cancellation.html> where Mayor Turner explained his desire to cancel the Convention. Mayor Turner never discusses why he allows restaurants to remain open, and never gives any reason why the Convention cannot continue with its duties. Turner asserts that other conferences were cancelled, but never recognizes that the RPT conference is in connection with an election process.
18. Even before cancelling the Convention, Defendant Turner publicly stated that "the convention will be shut down" unless every person wore a mask, though I know of no legal or contractual authority he has to take such a stance.
19. The RPT has deposits in multiple hotels throughout the City, and by forcing the Convention to be cancelled, Turner has effectively forcing the RPT to challenge all the deposits in order to retrieve them, and the RPT has suffered and will continue to suffer economic losses and unrecoverable damages due to diminished participation - harm to the party that is irreparable.

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20. Mayor Turner's fountain of threats has harmed and is harming the Convention by creating uncertainty in the minds of would-be attendees, who heard his remarks and become concerned that they are traveling to Houston only to be told that a child has pulled his mask off and Mayor Turner has cancelled the Convention. This harm is irreparable, as this is a one-time event that happens only every four years. (The RPT has a state convention every two years, but every other cycle includes a presidential aspect.) Defendant Turner's appear to me to be less than voter intimidation with a deliberate design of scaring attendees from executing their planned travels and participation.
21. The RPT has already been irreparably harmed and is continuing to be irreparably harmed by the unwarranted cancelation, and without the Court's immediate relief, the RPT will suffer even more, as the damage will be incalculable – thousands of attendees have made reservations and made special plans to come to Houston. This is more irreparable harm.
22. I have attached a true copy as Exhibit 1-7 of the cancellation letter from David Minberg and Brenda Bazan, purporting to be the HFC's Chair and President, respectively. That cancellation letter remarks that HFC has been aware of an increasing number of cases of covid-19 that began on Memorial Day weekend.
23. I am aware that Mayor Brown has tried to distinguish between his support of outdoor protests involving 60,000 people by suggesting that a march does not need a parade permit from the City, and Mayor cannot stop a parade. He stated this in a public conference on July 8th, which was reported and maintained online at <https://abc13.com/politics/why-turner-believes-gop-convention-is-different-than-protests/6307514/>.
24. The RPT held committee meetings as planned in the early part of the week and many convention attendees are still in the area. If the convention center is not available, they will go to clustered areas to congregate.
25. In presidential election years, the RPT Convention is used to select the presidential electors that will sit at the Electoral College to officially choose the President of the United States in months that follow. Many more meetings and activities occur during the state convention, but chief among them is that it is the one place and time where grassroots activists, political operatives, campaign workers, lobbyists, politicians, and the like gather in once place to discuss past successes, missteps, and plans for the future of their involvement in our political process. While all conferences are important, it is not a stretch to say that this particular conference must necessarily be held to preserve our republican form of government in Texas. The deadline for electing those presidential electors is July 20, 2020, so no time is available to allow for consideration of an arrangement for alternative in-person locations.
26. The state convention must be held in person to be effective. Timeliness and the risk of interception factor greatly into the rationale for an in-person meeting. But the greatest of these reasons is the inherent difference between human beings discussing issues, face-to-face, in a room, and human beings corresponding on issues behind a notepad or keyboard. Although the latter can certainly achieve a good outcome, it cannot replace traditional human

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interaction; face-to-face meetings among politically active human beings add a certain quality and fervor to ensuing discussions that the written word—nor, in modern times, a virtual video chat—cannot properly convey.

27. We must select our national delegates no later than July 18, 2020 in order to submit them after a credentialing process on July 20, 2020. In practical terms, we must handle make our selections this coming weekend, no later than Sunday the 19th of July, as delegates do not have widespread ability to participate on Monday the 20th.
28. Faced with the Convention's cancellation, the Republican Party of Texas was forced to work virtually today. Our electronic voting vendor had substantial difficulties and we were unable to effectively operate. While we are working to provide a working solution by the afternoon of Friday, July 17, 2020, any continued struggles imperil the ability of the state convention to perform its statutory obligations as described above.
29. The electronic credentialing struggles meant that we could not effectively operate virtually on July 16, 2020. Even if we have the system working tomorrow, we are still going to struggle with our convention. I chaired an emergency meeting of the SREC that began on 8:45 pm of July 16th and lasted to past 12:30 am on July 17th.
30. Convention by virtual means is problematic, as these events have shown, and we are still struggling. Many delegates will struggle with internet connections, video quality, and some may not have internet connections at all. Even outside of a global pandemic, holding an online-only convention is difficult to replicate the parliamentary aspects of a political convention, rather than a mere staged show of the party "going through the motions" rather than anything that has historically occurred on the convention floor.
31. At the TRO hearing in the state case, the City of Houston argued that the Convention can be moved to Montgomery County. That assertion demonstrates a complete lack of understanding of what it takes to hold an event of this magnitude. These events take years to properly plan. It is logistically and physically impossible to hold even a 4,000-person convention in the space that was considered, because zero social distancing could occur.
32. There are a limited number of sites that the RPT can hold its Convention in this state, and we were invited to hold the Convention in Houston. Houston invited us. We contracted with them, and even as late as July 6, Turner said that he was simply going to ensure that the RPT operated safely or he would shut down the convention.
33. Nothing changed between late June and July 8, when the Contract was cancelled.
34. I note that Mayor Turner was at a public gathering on Saturday afternoon on July 11, after acting in concert with his efforts to cancel the Contract, while people were milling about, many of them without face masks, at an event well worthy of support, but shows that Mayor Turner's scolding is reserved for the RPT that no other group seems to warrant. Mayor Turner retweeted out the link for the video of the event, which was: <https://www.khou.com/article/news/local/vanessa-guillen-update-family-friends-host-car-ride-vigil/285-05ef8eef-303b-44e1-9f9a-97bc35ad634b>. A longer version of the video from

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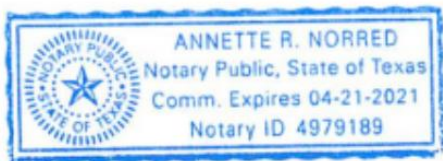
KHOU on its website showed Turner speaking at the event. A snapshot from the video shows him enjoying his time with the group, which is shown here and attached as Exhibit 1-8:

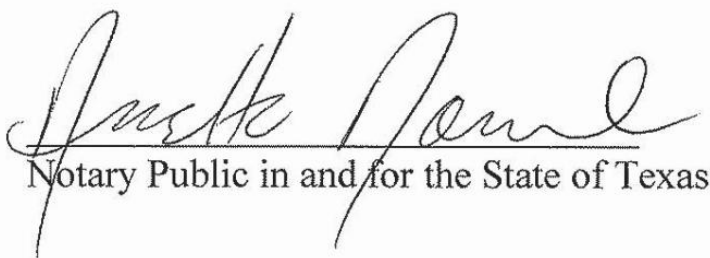
35. I note that the gathering above occurred on Saturday, July 11th, in the afternoon. But I noticed that just after that gathering, he sent out a tweet which I have attached to this declaration as Exhibit 1-9. The Court will notice that he instructs that Houstonians must “stay home” while he was simultaneously not “staying home”:
36. While it should seem obvious, the RPT convention is a part of the election process, and thus qualifies as “essential” under the national guidelines of work that is not subject to Covid-19 related restrictions. However, Attorney General Ken Paxton wrote an opinion to explain this issue which I have attached as Exhibit 1-10.
37. Based on what I have seen in the media and recent experiences, restaurants and most other businesses in Houston appear to be open.
38. As I alluded to above, the RPT has contracted with many vendors for the exhibit hall. Those vendors invested significant funds and their losses may create significant claims against the RPT which could be potentially won in court, but the litigation costs may also be significant. If the party could operate the next weekend at the George R. Brown Convention Center as an option, the option of allowing vendors to exhibit and sell their wares would alleviate some of those otherwise irreparable harms.
39. While I cannot state with certainty that we could at this point recreate the convention on this weekend on this Saturday or Sunday, July 18-19, it may be that option becomes the only valid option if we are unable to operate the electronic system and vote reliably.

FURTHER, AFFIANT SAYETH NOT.


James Dickey

SUBSCRIBED AND SWORN TO before me by James Dickey, a person known to me, on July 17, 2020.




Notary Public in and for the State of Texas